

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GARY R. THOMPSON,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-07-706-F
)	
MARTY SIRMONS, Warden,)	
)	
Respondent.)	

ORDER

On August 21, 2007, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation, wherein he recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be transferred to the Tenth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631. Magistrate Judge Argo specifically found that petitioner's petition is second or successive to a previous petition for a writ of habeas corpus filed in this court and that this court is without jurisdiction to consider it.


In the Report and Recommendation, Magistrate Judge Argo advised petitioner of his right to file an objection by September 10, 2007, in accordance with 28 U.S.C. § 636 and Local Civil Rule 72.1, and further advised that failure to make timely objection to the Report and Recommendation waives petitioner's right to appellate review of both factual and legal issues therein contained.

To date, petitioner has not filed an objection to the Report and Recommendation and has not filed a motion for an extension of time to file an objection. With no

objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on August 21, 2007 (doc. no. 11) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Petitioner's petition for a writ of habeas corpus, filed June 25, 2007 (doc. no. 1), is transferred to the Tenth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631.

DATED September 12, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE